

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TROY YUNCKER, individually and on
behalf of all others similarly
situated,

Plaintiff,

v.

PANDORA MEDIA, INC.,

Defendant.

No. C 11-03113 CW

ORDER DENYING
DEFENDANT'S MOTION
TO STAY
(Docket No. 25)

_____/

Plaintiff Troy Yuncker initiated this action on June 23, 2011, asserting that Defendant Pandora Media, Inc., violated his rights under federal and California law. On July 1, 2011, Defendant moved another judge in this district to consider whether this action was related to Levine v. Google Inc., Case No. C 11-02157 JSW (N.D. Cal.). The Levine court determined the cases were not related.

On August 4, 2011, Defendant moved to stay this action pending a decision by the Judicial Panel on Multidistrict Litigation (JPMDL) as to whether this case should be coordinated and centralized with others in In re: Google Android Consumer Privacy Litigation, MDL No. 2264. Since then, the JPMDL ordered that the In re: Google cases be centralized in this judicial district before the Levine court. The JPMDL declined to consider whether this action should be included in the consolidated litigation, indicating that this was a question for the transferee court. On August 15, 2011, Defendant moved the Levine court for

1 leave to file a motion for reconsideration of the decision not to
2 relate this case. On August 31, 2011, the Levine court granted
3 Defendant's motion for leave. Briefing on Defendant's motion for
4 reconsideration is set to close September 15, 2011.

5 In light of the events that occurred after it filed its
6 motion to stay, Defendant now seeks a stay of proceedings pending
7 a decision on its motion for reconsideration. Plaintiff opposes
8 Defendant's motion to stay.

9 Having considered the papers submitted by the parties, the
10 Court DENIES Defendant's motion to stay. (Docket No. 25.)
11 Defendant indicates that it intends to move to dismiss Plaintiff's
12 claims, irrespective of how its motion for reconsideration is
13 decided. There is no reason to stay briefing on Defendant's
14 impending motion to dismiss.

15 Pursuant to the parties' stipulation, Defendant shall respond
16 to Plaintiff's complaint within "ten court days" of the date of
17 this Order. (Docket No. 24, at 1:25-26.) If Defendant files a
18 motion to dismiss, the case management conference will be
19 continued until the pleadings are settled. Discovery is stayed
20 until the case management conference is held.

21 IT IS SO ORDERED.

22
23 Dated: **9/1/2011**

24 
25 CLAUDIA WILKEN
26 United States District Judge
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